IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

RP.No. 1021 of 2006()

AGAINST THE ORDER IN CRP.358/1993 Dated 07/01/1998
SMP.67/1977 of TALUK LAND BOARD, PERINTALMANNA

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REVIEW PETITIONERS/RESPONDENTS/RESPONDENTS

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1. TALUK LAND BOARD,
   PERINTALMANNA.

2. TAHSILDAR,
   PERINTALMANNA.

3. STATE OF KERALA,
   NOTICE FOR WHEN MAY BE SERVED ON THE CHIEF
   SECRETARY TO GOVERNMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT. R. BINDU

RESPONDENTS: PETITIONERS/PETITIONERS

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1. K.V.KUNJIMOHAMMED, S/O. MOIDUTTIMAN
   HAJI, KODUVAYIKKAL HOUSE, MULLIYAKKURIASI,
   PATTIKKAD P.O., PERINTALMANNA,
   MALAPPURAM DISTRICT.

2. PULLIYAKUTH KUNHAYAMMA, S/O. SOOPPY,
   VELAMBUR, PERINTALMANNA TALUK,
   MALAPPURAM DISTRICT.

R1 BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
R2 BY ADV SRI.S.V.BALAKRISHNA IYER (SR.)

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

R.P.NO: 1021 OF 2006 IN
C.R.P.No. 358 OF 1993 C &
C.M.APPLN.941 OF 2006

Dated this the 1st August, 2007

O R D E R

This review petition is preferred against the order of this Court in C.R.P.358/93. The said review petition is filed with a delay of 3159 days on the ground of misplacement of copy of the order. The contention raised therein is to the effect that the direction of the Board regarding surrender of land in survey No: 137/5 of Valambur Village. At the outset I may like to state that there are no acceptable grounds or remote grounds to condone the delay of more than 3000 days. Therefore delay cannot be condoned. So far as the point on merits is concerned this Court while disposing of the C.R.P found that the first respondent viz., Pulliyakath Kunhayamu, a tenant with respect to 4.21 acres of land and that he had paid compensation of Rs.25,000/- and this Court directed the land tribunal to issue a certificate of purchase. So, the right of the first respondent over this 4.21 acres of land has become concluded and that property cannot be taken into consideration for fixing the ceiling limit of the declarant nor for the purpose of surrender. So, the order passed by this Court in C.R.P does not require any review on merits

as well. Therefore the delay condonation petition as well as the review petition are dismissed.

M.N.KRISHNAN
Judge

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